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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**RICHARD ARJUN KAUL, M.D. –
PROPRIA PERSONA,**

Plaintiff(s),

vs.

**CHRISTOPHER J. CHRISTIE, ESQ; THE
STATE OF NEW JERSEY; JEFFREY
CHIESA, ESQ; LEWIS STEIN, ESQ;
HOWARD SOLOMON, ESQ; ALL STATE
NEW JERSEY INSURANCE COMPANY;
RICHARD CRIST; GOVERNMENT
EMPLOYEES INSURANCE COMPANY;
GEICO INDEMNITY; GEICO GENERAL
INSURANCE COMPANY and GEICO
CASUALTY; BERKSHIRE HATHAWAY;
WARREN BUFFET; TD BANK; DIVESH
KOTHARI; RUTGERS SCHOOL OF
BIOMEDICAL AND HEALTH
SCIENCES; JAMES GONZALEZ;
ROBERT HEARY, MD; STEVEN
LOMAZOW, MD; GREGORY
PRZYBYLSKI, MD; FRANK MOORE,
MD; PETER CARMEL, MD; WILLIAM
MITCHELL, MD, PETER STAATS, MD;
MARC COHEN, MD; THE LAW FIRM
OF SCARINCI AND HOLLENBECK;
KENNETH HOLLENBECK, ESQ; THE
LAW FIRM OF BRACH EICHLER;**

Case No. 2:16-cv-02364-KM-SCM

ANSWER TO AMENDED COMPLAINT

JOSEPH GORRELL, ESQ; THE NORTH AMERICAN SPINE SOCIETY; THE AMERICAN SOCIETY OF INTERVENTIONAL PAIN PHYSICIANS; THE CONGRESS OF NEUROLOGICAL SURGEONS; CHRISTOPHER WOLFA, MD; THE AMERICAN MEDICAL ASSOCIATION; THE LAW FIRM OF DUGHI HEWIT; MICHAEL KEATING; ANDREW KAUFMAN, MD; THE NEW JERSEY BOARD OF MEDICAL EXAMINERS; WILLIAM ROEDER; NORTH JERSEY MEDIA; LINDY WASHBURN; HACKENSACK UNIVERSITY MEDICAL CENTER (HUMC); ROBERT GARRET; ATLANTIC HEALTH SYSTEM; BRIAN GRAGNOLATI; THOMAS PETERSON, MD; JOHN ROE 1-50; JOHN DOE 1-50, ABC CORP 1-50, AND/OR XYZ, PC 1-50,

Defendants.

Defendants, Peter Carmel, M.D. and the American Medical Association (hereinafter “Defendants”), by way of Answer to Plaintiff’s Amended Complaint, states as follows:

1. Defendants have no basis to form a belief as to the allegations of this paragraph inasmuch as said allegations are not directed to these Defendants, and therefore leave Plaintiff to his proofs.

PARTIES

2. – 10. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore leave Plaintiff to his proofs.

11. Defendant Peter Carmel, M.D. denies the allegations of paragraph 11 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

12. – 17. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore leave Plaintiff to his proofs.

18. Defendant Peter Carmel, M.D. denies the allegations of paragraph 18 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

19. Defendant American Medical Association denies the allegations of paragraph 19 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

20. – 46. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore leave Plaintiff to his proofs.

JURISDICTION AND VENUE

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

47. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore leave Plaintiff to his proofs.

48. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore leave Plaintiff to his proofs.

OVERVIEW OF PLAINTIFFS' LEGAL CLAIMS

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

49. – 53. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

COUNT ONE

(Racketeer and Influenced Corrupt Act)

18 U.S.C. § 1961

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

54. -71. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

72. Defendant Peter Carmel, M.D. denies the allegations of paragraph 18 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

73. – 91. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

92. Defendant the American Medical Association denies the allegations of paragraph 19 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT TWO

(Sherman and Clayton Anti-Trust Acts)

15 U.S.C § 2

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

93. – 119. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny

the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT THREE

(The Hobbs Act)

18 U.S.C. § 1951

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

120. – 148. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT FOUR

(Mail Fraud)

18 U.S.C. § 1343

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

149. – 177. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT FIVE

(Wire Fraud)

18 U.S.C. § 1341

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

178. – 206. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT SIX

(Honest Services Fraud)

18 U.S.C. §1346

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

207. - 236. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT SEVEN

(Defamation)

28 U.S.C. §4101

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

237. – 261. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT EIGHT

(Deprivation of Right under Color of Law)

42 U.S.C. §1983

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

262. – 294. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT NINE

(Violation of Title VII of the Civil Rights Act)

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

295. – 304. Defendants have no basis to form a belief as to the allegations of these paragraphs inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT TEN

(Commercial disparagement)

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

304. Defendants have no basis to form a belief as to the allegations of this paragraph inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

305. Defendant Peter Carmel, M.D. denies the allegations of paragraph 305 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

306. Defendant Peter Carmel, M.D. denies the allegations of paragraph 306 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

307. Defendant Peter Carmel, M.D. denies the allegations of paragraph 307 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

308. Defendant Peter Carmel, M.D. denies the allegations of paragraph 308 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT ELEVEN

(International interference with prospective economic advantage)

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

309. Defendants have no basis to form a belief as to the allegations of this paragraph inasmuch as said allegations are not directed to these Defendants, and therefore deny the

allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

310. Defendant Peter Carmel, M.D. denies the allegations of paragraph 310 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

311. – 313. Defendants have no basis to form a belief as to the allegations of this paragraph inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

314. Defendant Peter Carmel, M.D. denies the allegations of paragraph 314 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

315. Defendant Peter Carmel, M.D. denies the allegations of paragraph 315 to the extent any allegations are deemed to assert any cause of action or basis for liability against this Defendant.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

COUNT TWELVE

(Aid in the commission of tort)

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby incorporates all of the admission and denials as set forth above into each of the response to every claim for relief, as if set forth at length herein.

316. – 318. Defendants have no basis to form a belief as to the allegations of this paragraph inasmuch as said allegations are not directed to these Defendants, and therefore deny the allegations of these paragraphs to the extent any allegations are deemed to assert any cause of action or basis for liability against these Defendants, and leave Plaintiff to his proofs.

WHEREFORE, Defendants, Peter Carmel, M.D. and the American Medical Association, demands judgment dismissing the Amended Complaint, together with costs and counsel fees.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

Plaintiff has failed to state a cause of action upon which relief can be granted.

SECOND SEPARATE DEFENSE

Plaintiff's action is barred by the expiration of the Statute of Limitations.

THIRD SEPARATE DEFENSE

Plaintiff's action is barred by the doctrine of Unclean Hands.

FOURTH SEPARATE DEFENSE

Plaintiff's damages, if any, resulted from the act or omissions of third persons whom Defendants, Peter Carmel, M.D. and the American Medical Association had no control.

FIFTH SEPARATE DEFENSE

Plaintiff was cognizant and aware of all the facts, circumstances and conditions existing and consented to, permitted, acquiesced, actively encouraged and/or voluntarily assumed the risks arising from the conduct involved in this litigation.

SIXTH SEPARATE DEFENSE

Any damages sustained by plaintiff were due to the negligence of other parties or entities or third persons over whom this defendant exercised no control, direction or supervision and for whose actions this defendant is not responsible.

SEVENTH SEPARATE DEFENSE

The Plaintiff lacks privity with these Defendants.

EIGHTH SEPARATE DEFENSE

These Defendants received no consideration from or on behalf of the Plaintiff.

NINTH SEPARATE DEFENSE

These Defendants never entered into any contract of any type with the Plaintiff.

TENTH SEPARATE DEFENSE

These Defendants raise all defenses raised by any other party to this action.

ELEVENTH SEPARATE DEFENSE

Any agreement between this defendant and any other party to this action is unenforceable as against public policy.

CLAIM FOR INDEMNIFICATION

Defendants, Peter Carmel, M.D. and the American Medical Association aver that they are free from fault, but if defendant Saint Clare's Hospital is held liable to plaintiff for the causes of action stated within the complaint, such liability will be vicarious in that it is merely constructive, technical, imputed or contractual and under these circumstances, this defendant will be entitled to common law indemnity and/or contractual indemnity from co-defendants and/or the plaintiff.

Wherefore, Defendants, Peter Carmel, M.D. and the American Medical Association demand indemnification, together with costs and counsel fees, against the plaintiff and co-defendants.

ANSWERS TO CROSSCLAIMS

This defendant denies the allegations of any and all crossclaims filed or which may be filed against this defendant.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE, that Michael A. Moroney, Esq. has been designated as trial counsel on behalf of Defendants, Peter Carmel, M.D. and the American Medical Association.

JURY DEMAND

Defendants, Peter Carmel, M.D. and the American Medical Association, hereby demand a trial by jury on all issues so triable.

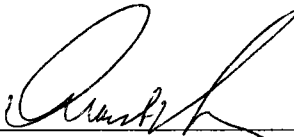
CERTIFICATION PURSUANT TO L.C.R. 11.2

The undersigned attorney for Defendants, Peter Carmel, M.D. and the American Medical Association, hereby certifies that the matter in controversy is not the subject of any other pending lawsuits or administrative actions, and that the matter is not the subject of any pending arbitration or medication.

CERTIFICATION OF SERVICE

I certified that this Answer was served on all parties within the manner and time prescribed by the Federal Rules of Civil Procedure.

CARROLL, McNULTY & KULL, L.L.C.
Attorneys for Defendants, Peter Carmel, M.D. and
The American Medical Association



Michael A. Moroney, Esq.

Dated: June 28, 2016